OUTGOING TELEGRAM

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Department of State

DEPARTMENT OF STATE A/CDC/MR 348

REVIEWED BY J. W. Rag. DATE May 6, 1982

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For XDS EXT. DATE 1957 MAR 12 PM 1 0

TO AUTH. REASON(S)

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Origin

Info

1. Second sentence language suggested by GOL Embtel 653 not repeat not acceptable for two reasons:

a. U.S. not repeat not in position to give blanket assurances concerning agreements to which we not repeat not party and of whose contents or even existence we may have no repeat no knowledge.

b. Section 10502 of MSAct provides that military assistance to nations in Near East and Africa to permit participation in defense of area shall be furnished QUOTE only in accordance with plans and arrangements which shall have been found by the President to require the recipient nation to take an important part therein UNQUOTE. Since President has not repeat not made this finding with respect to Arab League Pact, draft MA agreement limits use of equipment by GOL to internal security and legitimate self defense. In contrast Article VI Arab League Pact contemplates possibility Arab League collective military action. Accordingly language suggested by GOL QUOTE Libyan action in legitimate self defense UNQUOTE subject to possible interpretation as including use of U.S. furnished equipment for defense of other Arab League members.

2. We recognize political problem faced by Prime Minister but cannot

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Clearances: NEA:RDMcClelland;DEFENSE:BForman:ctp 4/5/57

L/MSA - Mr. Rehm | AF/N - Mr. Witman | Defense - Mr. Forman (in draft)

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repeat not disregard U.S. statutory requirements. Embassy instructed present following language GOL. QUOTE This Agreement shall not repeat not be interpreted as conflicting in any way with the rights of the two Governments recognized in, or with the obligations assumed by the two Governments under, the Charter of the United Nations UNQUOTE. Embassy should point out to Prime Minister Article 51 of Charter **specifically recognizes** right collective self-defense. FYI Exercise this right, unlike that under Arab League Pact, subject to **subsequent to action taken.** control Security Council/END FYI.

3. If above language unacceptable **to GOL** Embassy instructed propose following alternative QUOTE This Agreement shall not repeat not be interpreted as conflicting in any way with the obligations of the two Governments under the Charter of the United Nations, or as limiting action on the part of the Government of the United Kingdom of Libya in the legitimate self-defense of its independence, sovereignty and territorial integrity as required by the terms of the Pact of the League of Arab States of March 22 1945 UNQUOTE/

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